



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,108	10/31/2003	Michael Altenhofen	13909-055001 / 2000E00019	8924
32864 7590 03/04/2010 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER JACKSON, JENISE E	
			ART UNIT 2439	PAPER NUMBER
			NOTIFICATION DATE 03/04/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,108	<b>Applicant(s)</b> ALTENHOFEN, MICHAEL	
	<b>Examiner</b> JENISE E. JACKSON	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11,13-19,21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,23-28 is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9, 11, 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Floyd et al(6,243,692) in view of Doty Jr.(2003/0152904).

3. As per claims 1, 11, Floyd discloses a method performed on a client of enabling an application core(i.e. protection module) of a software application(see col. 2, lines 1-14) with access version-specific functionality(see col. 3, lines 52-66), sending to a server information from which a version of the software application can be determined(see col. 3, lines 43-51), receiving from the server a module link(i.e. unlock module) that corresponds to the version(see col. 4, lines 19-25), authenticating the module link(i.e. unlock module) by using a code that is unique to a user of the version of the software, the module link being used to enable the application core(i.e. protection module) to access one or more modules on the server that define the version-specific functionality,(see col. 2, lines 28-39, see col. 4, lines 18-25, 33-35); and to prevent the application core from accessing other modules on the server that define other functionality for the software that is not the version-specific functionality(see col. 3, lines 43-51), wherein the application core(i.e. protection module) comprises software that is common across multiple versions(i.e. trial versions) of the application(see col. Lines 58-67, col. 2, lines 1-4), the version includes one of the multiple versions, and the version-specific functionality includes

Art Unit: 2439

functionality that is specific to the version of the software application; wherein the client comprises a computer system(see col. 3, lines 43-51, col. 4, lines 18-25, col. 5, lines 1-15)

4. Floyd does not disclose the software application comprises a content player in an electronic learning system, and the version-specific functionality corresponds to the online content player. Doty Jr. discloses the software application comprises a content player in an electronic learning system, and the version-specific functionality corresponds to the online content player[0081, 0087-0088, 0125]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include an electronic learning system that includes a content player that corresponds to version specific functionality of Doty Jr. with Floyd, the motivation is that the content player is used to obtains course material from the content repository and provides different versions of the content player to allow a user more diversity in how the user can access the information [0125 of Doty Jr.].

5. As per claims 3, 13, Floyd discloses wherein the received module link (i.e. unlock module) is encrypted (see col. 4, lines 51-67).

6. As per claims 4, 14, Floyd discloses wherein the received module link is encrypted with a public key that corresponds to the user (see col. 2, lines 37-41, col. 4, lines 52-63).

7. As per claims 5, 15, Floyd discloses sending to the server the public key used for encrypting the module link (see col. 4, lines 51-63).

8. As per claims 6, 16, Floyd discloses wherein the module link enables the application core (i.e. trial DLL) access to the version-specific functionality by enabling the application core to reference the one module (see col. 4, lines 18-25).

Art Unit: 2439

9. As per claims 7, 17, Floyd discloses wherein the module link enables the application core to access the version-specific functionality by enabling the application core to download one module and to incorporate the one module into the application core(see col. 1, lines 52-66, col. 2, lines 1-4, col. 3, lines 5-10, 24-26, 43-66).

10. As per claims 8, 18, Floyd discloses wherein the module link comprises configuration settings for the application core (see col. 4, lines 3-7, 18-25).

11. As per claims 9, 19, Floyd discloses wherein the information comprises identification information(i.e. license the user purchased) that corresponds to the user; and wherein the version of the software application is determined using the identification information(see col. 2, lines 38-41, col. 3, lines 52-66) .

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office Tuesday-Thursday (8-6:30)., and telework every Monday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edna Organ can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2439

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/27/10

/J. E. J. /

Examiner, Art Unit 2439

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439